

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JANE DOE,

Plaintiff,

v.

SYRACUSE UNIVERSITY, et al.,

Defendants.

No. 5:21-cv-00977-DNH-ML

Oral Argument Requested

**NOTICE OF DEFENDANTS' PARTIAL MOTION TO DISMISS
PLAINTIFF'S FIRST AMENDED COMPLAINT**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, Defendants Syracuse University, John Wildhack, John Desko, and Kayla Treanor ("Undersigned Defendants") will move this Court before the Honorable David N. Hurd at the Alexander Pirnie Federal Building and U.S. Courthouse at 10 Broad Street in Utica, New York, for an Order pursuant to Federal Rule of Civil Procedure 12(b)(6), dismissing with prejudice Plaintiff Jane Doe's claims for breach of contract (Count VI), negligence (Counts II and III), and negligent infliction of emotional distress (Count IV) for failure to state a claim upon which relief can be granted.

PLEASE TAKE FURTHER NOTICE that Undersigned Defendants intend to file Reply papers and request the opportunity to orally argue this Motion. Undersigned Defendants respectfully submit that oral argument would be helpful given that the case was recently transferred to this Court after prior proceedings in this District and in the U.S. Court of Appeals for the Second Circuit.

Dated: March 18, 2024

Respectfully submitted:

/s/ David W. DeBruin

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*Counsel for Defendants Syracuse University,
John Wildhack, John Desko,
and Kayla Treanor*

CERTIFICATE OF SERVICE

I hereby certify that on March 18, 2024, I electronically filed the foregoing with the Clerk of Court, to be served on all parties of record via the CM/ECF system, and separately caused to be served via email Kimberly Keenan-Kirkpatrick, care of her counsel, Eric G. Johnson at Smith Sovik Kendrick & Sugnet P.C. (ejohnson@smithsovik.com), after receiving her counsel's written consent to this method of service.

By: /s/ David W. DeBruin
David W. DeBruin